

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREW R. MAY, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

VS.

TELIK, INC., MICHAEL M. WICK, CYNTHIA M. BUTITTA, UBS SECURITIES LLC, LEHMAN BROTHERS HOLDINGS, INC., BEAR, STEARNS & CO., INC., NEEDHAM & COMPANY, INC., LAZARD FRERES & CO. LLC, FORTIS SECURITIES, INC. and J.P. MORGAN SECURITIES, INC

Defendants.

Civil No. 1:07-CV-04819-CM

CLASS ACTION

KEVIN HENNESSY, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

VS.

TELIK, INC., MICHAEL M. WICK, CYNTHIA M. BUTITTA, UBS SECURITIES LLC, LEHMAN BROTHERS HOLDINGS, INC. and J.P. MORGAN SECURITIES, INC.

Defendants.

Civil No. 1:07-CV-5707-CM

CLASS ACTION

**DECLARATION OF JAMES M. EVANGELISTA IN SUPPORT OF THE
MOTION OF ERSTE-SPARINVEST KAPITALANLAGEGESELLSCHAFT
M.B.H. FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF,
AND APPROVAL OF ITS SELECTION OF COUNSEL**

James M. Evangelista declares under penalty of perjury this 6th Day of August, 2007:

1. I am a Member of the law firm of Motley Rice LLC. I submit this declaration in support of the Motion of Erste-Sparinvest Kapitalanlagegesellschaft m.b.H. (“Erste-Sparinvest”) for Consolidation, Appointment as Lead Plaintiff, and Approval of Its Selection of Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of the signed certification of Erste-Sparinvest, pursuant to the requirements of the Private Securities Litigation Reform Act (“PSLRA”) of 1995. See 15 U.S.C. § 78u-4(a)(2).

3. Attached hereto as Exhibit B is a true and correct copy of the notice to class members concerning the first-filed action that was published June 6, 2007, on Business Wire advising the public of the pendency of a class action filed on behalf of shareholders of Telik, Inc. (“Telik”).

4. Attached hereto as Exhibit C is a chart showing Erste-Sparinvest’s calculation of its financial interest in the relief sought.

5. Attached hereto as Exhibit D is a true and correct copy of the firm biography of Motley Rice LLC, proposed Lead Counsel.

6. Attached hereto as Exhibit E is a true and correct copy of the firm biography of Lieff, Cabraser, Heimann & Bernstein, LLP, proposed Liaison Counsel.

7. Attached hereto as Exhibit F-1 through F-3 is a compendium of cases in which foreign investors have been appointed lead plaintiff in securities class actions, cited in Erste-Sparinvest’s Memorandum of Law, footnote 7.

8. Attached hereto as Exhibit G is the Lead Plaintiff Order in In re NPS Pharm., Inc. Sec. Litig., No. 2:06-cv-00570-PGC-PWM (D. Utah Nov. 17, 2006).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 6, 2007



James M. Evangelista